

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 12, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0097211 to Carroll et al. ("*Carroll*") and U.S. Patent No. 6,636,790 to Lightner et al. ("*Lightner*"); rejected claims 2 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2004/0210363 to Kataghishi ("*Kataghishi*"); and rejected claim 13 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2005/0203684 to Borgesson ("*Borgesson*").

Claims 1, 2, and 12-17 are pending.

Applicants respectfully traverse the rejection of claims 1, 12, 14, and 16 under 35 U.S.C. §103(a) as being unpatentable over *Carroll* and *Lightner*. A *prima facie* case of obviousness has not been established.

Independent claim 1 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle."

Independent claim 14 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle."

Carroll and *Lightner* fail to disclose at least the claimed getting means of either claim 1 or claim 14.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Carroll discloses a “measurement device [] may be . . . a connector for connecting to an on-board signal outlet, such as OBD-II, to receive diagnostic code.” *Carroll* also discloses, “a user interface asking the user to input information related to vehicle model and make year.” *Carroll* does not disclose, “getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle” (emphasis added), as recited in claim 1. *Carroll* also does not disclose, “getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle” (emphasis added), as recited in claim 14.

Lightner fails to cure the deficiencies of *Carroll*. *Lightner* discloses, “a data collector/router 35 in electrical contact with a vehicle's OBD/ECU system 100. The two systems connect through a conventional OBD-II connector 120 typically located under the vehicle's dashboard . . . connector 120 has a serial, 16 cavity-layout . . . the OBD-II connector 120 has a standard mechanical interface, data transmitted through it may have a format and pass through cavities that depend on the vehicle's make and model. For example, Ford and General Motors vehicles use an OBD data format called 11850; data in this format pass through cavities 2 and 10” of connector 120 (emphasis added) (col. 6, line 53 - col. 7, line 3). *Lightner* discloses that a data format of data depends on a vehicle's model. *Lightner* does not disclose, “getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle” (emphasis added), as recited in claim 1. *Lightner* also does not disclose, “getting vehicle model information from the vehicle by determining a formed position of

a connector used to attach the onboard apparatus to the vehicle” (emphasis added), as recited in claim 14.

Accordingly, *Carroll* and *Lightner* fail to render the subject matter of either claim 1 or 14 obvious. Claims 12 and 16 depend from independent claims 1 and 14, respectively, and are thus allowable for at least the same reasons as claim 1 and claim 14.

Applicants respectfully traverse the rejection of claims 2 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Carroll*, *Lightner*, and *Kataghishi*. A *prima facie* case of obviousness has not been established.

Claims 2 and 15 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as claim 1 and claim 14.

Kataghishi fails to cure the deficiencies of *Carroll* and *Lightner*. *Kataghishi* discloses a “[v]ehicle control system” (Abstract). *Kataghishi* fails to disclose the getting means recited in either claim 1 or claim 14, and required by claims 2 and 15, respectively.

Accordingly, *Carroll*, *Lightner*, and *Kataghishi* fail to render the subject matter of claims 2 and 15 obvious.

Applicants respectfully traverse the rejection of claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Carroll*, *Lightner*, and *Borgesson*. A *prima facie* case of obviousness has not been established.

Claims 13 and 17 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as claim 1 and claim 14.

Borgesson fails to cure the deficiencies of *Carroll* and *Lightner*. *Borgesson* discloses "a system for performing procedures to request repair" (Abstract). *Borgesson* fails to disclose the getting means recited in either claim 1 or claim 14, and required by claims 13 and 17, respectively.

Accordingly, *Carroll*, *Lightner*, and *Borgesson* fail to render the subject matter of claims 13 and 17 obvious.

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2008

By: _____



Eli Mazour
Reg. No. 59,318
direct (202) 408-4320